

112TH CONGRESS  
1ST SESSION

# H. R. 1992

To amend the Internal Revenue Code of 1986 to allow Indian tribes to transfer the credit for electricity produced from renewable resources.

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IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2011

Mr. GRIJALVA introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to allow Indian tribes to transfer the credit for electricity produced from renewable resources.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Fair Allocation of In-  
5        ternal Revenue Credit for Renewable Electricity Distribu-  
6        tion by Indian Tribes Act of 2011” or as the “FAIR  
7        CREDIT Act of 2011”.

1 **SEC. 2. TRANSFER BY INDIAN TRIBES OF CREDIT FOR**  
2 **ELECTRICITY PRODUCED FROM RENEWABLE**  
3 **RESOURCES.**

4 (a) IN GENERAL.—Paragraph (3) of section 45(e) of  
5 the Internal Revenue Code of 1986 (relating to production  
6 attributable to the taxpayer) is amended to read as fol-  
7 lows:

8 “(3) PRODUCTION ATTRIBUTABLE TO THE TAX-  
9 PAYER.—

10 “(A) IN GENERAL.—In the case of a facil-  
11 ity in which more than 1 person has an owner-  
12 ship interest, except to the extent provided in  
13 regulations prescribed by the Secretary, produc-  
14 tion from the facility shall be allocated among  
15 such persons in proportion to their respective  
16 ownership interests in the gross sales from such  
17 facility.

18 “(B) SPECIAL RULE FOR INDIAN  
19 TRIBES.—

20 “(i) IN GENERAL.—In the case of a  
21 facility described in subparagraph (A) in  
22 which an Indian tribe has an ownership in-  
23 terest in the gross sales from such facility,  
24 such Indian tribe may assign to any other  
25 person who has such an ownership interest  
26 in such facility any portion of the produc-

1           tion from the facility that would (but for  
2           this subparagraph) be allocated to such In-  
3           dian tribe. Any such assignment may be  
4           revoked only with the consent of the Sec-  
5           retary and shall be made at such time and  
6           in such manner as the Secretary may pro-  
7           vide.

8           “(ii) INDIAN TRIBE.—For purposes of  
9           clause (i), the term ‘Indian tribe’ means  
10          any Indian tribe, band, nation, pueblo, or  
11          other organized group or community, in-  
12          cluding any Alaska Native village or re-  
13          gional or village corporation, as defined in,  
14          or established pursuant to, the Alaska Na-  
15          tive Claims Settlement Act (43 U.S.C.  
16          1601 et seq.) which is recognized as eligi-  
17          ble for the special programs and services  
18          provided by the United States to Indians  
19          because of their status as Indians.”.

20          (b) EFFECTIVE DATE.—The amendment made by  
21          this section shall apply to electricity produced and sold  
22          after the date of the enactment of this Act.

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